

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JILL BONG,

Plaintiff,

No. 6:23-cv-00417-MK

v.

ORDER

KATE BROWN, et al.

Defendants.

AIKEN, District Judge.

This case comes before the Court on Plaintiff's Objections, ECF No. 104, to Magistrate Judge Mustafa Kasubhai's Order, ECF No. 92, denying Plaintiff's motion for default against Defendant Kate Brown.

In accordance with Federal Rule of Civil Procedure 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judgment must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard for review for a non-dispositive order with objections is "clearly erroneous" or "contrary to law." *Id.*; 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for non-dispositive motions). If a ruling on a motion is not determinative of a party's claim or defense, it is not

dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).

The Court has considered Plaintiff's objections and concludes that they do not provide a basis to modify Judge Kasubhai's Order. Plaintiff's objection is **OVERRULED** and her motion to default remains **DENIED**.

It is so ORDERED and DATED this 5th day of September 2023.

/s/Ann Aiken
ANN AIKEN
United States District Judge